

RECEIVED
CENTRAL FAX CENTER
JUL 24 2006

REMARKS

Applicant has carefully reviewed the office action mailed April 24, 2006 and offers the following remarks to accompany the above amendments.

Status of the Claims

Claims 4-39 are pending in the present application. No claims are added or canceled. Accordingly, claims 4-39 remain pending.

Response to Arguments

Applicant has carefully reviewed the Patent Office's "Response to Arguments" section as detailed beginning on page 2 of the Office Action mailed April 24, 2006. Applicant respectfully submits that the Patent Office has misinterpreted U.S. Patent No. 5,184,732 to Ditchburn et al. (hereinafter "Ditchburn"). Applicant addresses the deficiencies of Ditchburn below.

Objected Specification under 35 U.S.C. § 132(a)

The amendments to the Specification filed 10/25/2005 was objected to under 35 U.S.C. § 132(a) because they introduce new matter into the disclosure. No new drawings were added. Drawings were only renumbered. The amendments to the Specification reflect the renumbering of the drawings. Accordingly, no new subject matter has been added. Applicant respectfully submits that the objection to the Specification should be withdrawn.

Claim Objections

Claims 4-11 were objected to because of antecedent basis. In particular, claims 4 and 8 were objected to because "said still images" should be corrected to "still images". Claims 5-7 and 9-11 were objected to as being dependent on claim 4 and 8, respectively.

Claims 4 and 8 have been amended to correct for antecedent basis. Accordingly, Applicant respectfully submits that the objection of claims 4-11 should be withdrawn.

Rejection under 35 U.S.C. § 102(b) to Ditchburn et al.

Claims 4-6, 8-10, 12, 14, 15, 17, 19, 20, 22, 24-26, 28, 29, 31, 32, 34, 35, 37 and 38 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,184,732 to

Ditchburn et al. (hereinafter "Ditchburn"). Applicant respectfully traverses. For the Patent Office to prove anticipation, each and every element of the reference must be present in the reference. Furthermore, the elements of the reference must be arranged as claimed. MPEP § 2131.

Prior to addressing the merits of the rejection, Applicant offers the following summary of the present invention as claimed. The present invention describes a system and method for creating special effects comprising capturing an image of an object or objects in motion from each of a plurality of cameras aligned in an array, assembling the images from each camera into a series of images in a manner providing a simulation of motion from a perspective along the array with respect to the object or objects within the images when the series of images is displayed in sequence to a human, wherein certain of the object or objects appear substantially stationary in time during the simulation of motion.

Claim 4 recites "means for outputting said time-sequence of frames in a motion picture medium, thereby creating the illusion that a single motion picture camera has moved along said path." Applicant respectfully submits that a motion picture medium necessarily requires that the time-sequence of frames (i.e., photographs) be capable of being displayed sequentially in some medium to a human. Applicant respectfully submits that Ditchburn generates signals (not photographs) for selecting shapes and does not create a time sequence of frames capable of being displayed sequentially in some medium to a human. Additionally, the purpose of Ditchburn is to sort diamonds, not to sequence photographs/frames into a motion picture medium.

In contrast, Ditchburn discloses an approach to identifying the shape of objects with a computer, such as diamonds, so that the diamonds can automatically be sorted by the computer. (See col. 3, ll. 64 to col. 4, ll. 7). Ditchburn uses a device he calls a "viewer" in order to sort the diamonds. (See Figure 1). The viewers 5 are "each directed at an illuminator 4, so that the image received is of a dark object against a light field" (See Figure 1 and col. 3, ll. 47-49). The viewers 5 are described as producing signals "representative of the edges of the object as viewed by the viewer 5" (See col. 4, ll. 13-14). The "signals are derived representative of the approximation of the object to a spherical shape (blockiness) and representative of the approximation of the object to symmetry" (See Figures 5 and 6 and col. 5, ll. 4-7). The viewers 5 provide signals that are representative of the edges of the object to ascertain the "shape class" of an object. (See col. 1, ll. 32-33). To ascertain the shape class for an object, a decision

value is derived from a table that is fixed for all objects of a group. (See col. 1, ll. 37-39). The process is repeated to derive a set of decision values from which the shape class of the object is ascertained. (See col. 1, ll. 40-45).

Claim 4 recites "an array of cameras deployed along a preselected path with each camera focused on a common scene" Applicant respectfully submits that this claim element is not met by Ditchburn for two reasons.

First, the viewers of Ditchburn are not cameras because they do not produce photographs. The closest thing to a photograph that Ditchburn suggests is that "the image received is of a dark object against a light field" (See Figure 1 and col. 3, ll. 48-49). However, Ditchburn describes the viewers as producing signals where "the signals are derived representative of the approximation of the object to a spherical shape (blockiness) and representative of the approximation of the object to symmetry" (See Figures 5 and 6 and col. 4, ll. 4-7). The viewers 5 are described as producing signals "representative of the edges of the object as viewed by the viewer 4" (See col. 4, ll. 13-14). Applicant respectfully submits that the terms "camera" and "photograph" are common terms that would have been used by Ditchburn if Ditchburn intended his viewers to include cameras and his signals to include photographs, respectively. Accordingly, Applicant respectfully submits that these signals are not photographs and that the viewers of Ditchburn are, therefore, not cameras.

Second, the viewers of Ditchburn are not focused on a common scene. The viewers 5 are "each directed at an illuminator 4" (See Figure 1 and col. 3, ll. 47-48). Accordingly, each viewer 5 being directed at a separate illuminator 4 does not necessarily imply that there is a common scene. Rather, this language merely suggests overlap of separate trajectories of light. Applicant finds no suggestion of focusing the viewers of Ditchburn onto a common scene. A "scene" necessarily implies that there is something there to see. The viewers of Ditchburn do not focus on a scene, but rather create signals representative of an "object" that is dropped between the viewers and the respective illuminator. Additionally, if there was a "common scene" in the classic sense, there would be a need to perform registration operations on the set of images so that they can be vertically or otherwise aligned in order to facilitate visual viewing aesthetics as described in Applicant's specification. Applicant finds no suggestion within Ditchburn of coordinating the respective signals produced by the viewers by registration or by any other means in order to coordinate the signals produced for visual viewing purposes. Therefore, even

if the signals of Ditchburn could be viewed and if the signals were sequenced, the signals would not be registered vertically and horizontally and the images would jump and bob vertically and horizontally. Accordingly, Applicant respectfully submits that the viewers of Ditchburn are not focused on a common scene.

Applicant respectfully submits that because the viewers of Ditchburn produce signals that represent the edges of an item, rather than a photograph of the item, Ditchburn cannot anticipate the first element of claim 4. Accordingly, Applicant respectfully submits that the viewers of Ditchburn are not cameras and that they do not produce photographs. Additionally, because there is no "common scene" presented within Ditchburn, which, as argued above, would require registration operations to be performed on the respective signals generated by the viewers, Applicant respectfully submits that the viewers of Ditchburn cannot be not focused on a common scene as required by claim 4.

Further, as argued above, sequencing photographs requires registration operations to be performed on the sequence of photographs/frames as described in Applicant's specification. Additionally, the functional language "thereby creating the illusion that a single motion picture camera has moved along said path" necessarily requires a human to view the sequence in order for there to be perception of the "illusion." Applicant respectfully submits that because Ditchburn's system produces signals that are used by a computer system to derive a shape of a diamond within a shape class by performing a lookup within a table, there can be no perception of an "illusion" within Ditchburn.

Accordingly, Applicant respectfully submits that Ditchburn fails to anticipate claim 4 for at least these reasons as well. Applicant reserves the right to make further arguments against Ditchburn in the future.

Applicant respectfully submits that the rejection of independent claim 4 should be withdrawn. Additionally, the rejections of independent claims 8, 12, 17, 22, 26, 31, 34 and 37 should likewise be withdrawn for at least the same reasons. Dependent claims 5, 6, 9, 10, 14, 15, 19, 20, 24, 25, 28, 29, 32, 35 and 38 depend from at least one of independent claims 4, 8, 12, 17, 22, 26, 31, 34 and 37, either directly or indirectly. Accordingly, Applicant respectfully submits that the rejection of dependent claims 5, 6, 9, 10, 14, 15, 19, 20, 24, 25, 28, 29, 32, 35 and 38 should be withdrawn for at least the same reasons.

Applicant respectfully submits that claims 4-6, 8-10, 12, 14, 15, 17, 19, 20, 22, 24-26, 28, 29, 31, 32, 34, 35, 37 and 38 are in condition for allowance and respectfully requests notice of the same at the earliest possible date.

Rejection under 35 U.S.C. § 103(a) to Ditchburn and Collender

Claims 7, 11, 13, 16, 18, 21, 23, 27, and 30 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ditchburn in view of U.S. Patent No. 3,815,979 to Collender (hereinafter "Collender"). Applicant respectfully traverses. For the Patent Office to combine references in an obviousness rejection, the Patent Office must do two things. First, the Patent Office must establish *prima facie* obviousness by showing where each and every element is taught or suggested in the combined references. MPEP § 2143.03. Second, the Patent Office must state a motivation to combine the references. The motivation must be supported with actual evidence which cannot come from Applicant's disclosure. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999).

Applicant respectfully submits that Collender, either alone or in combination with Ditchburn, does not cure the deficiencies of Ditchburn argued above. Claims 7, 11, 13, 16, 18, 21, 23, 27 and 30 each depend from one of claims 4, 8, 12, 17, 22 and 26 which are in condition for allowance. Accordingly, Applicant respectfully submits that the rejection of claims 7, 11, 13, 16, 18, 21, 23, 27 and 30 should be withdrawn for at least the same reasons. Applicant respectfully submits that claims 7, 11, 13, 16, 18, 21, 23, 27 and 30 are in condition for allowance and notice of the same is respectfully requested at the earliest possible date.

Rejection under 35 U.S.C. § 103(a) to Ditchburn and Wilkinson et al.

Claims 33, 36, and 39 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Ditchburn in view of U.S. Patent No. 4,453,182 to Wilkinson et al. (hereinafter "Wilkinson"). Applicant respectfully traverses. The standards for obviousness are set forth above.

Applicant respectfully submits that Wilkinson, either alone or in combination with Ditchburn, does not cure the deficiencies of Ditchburn argued above. Claims 33, 36, and 39 depend from claims 31, 34 and 37, respectively, which are in condition for allowance. Accordingly, Applicant respectfully submits that the rejection of claims 33, 36, and 39 should be withdrawn for at least the same reasons. Applicant respectfully submits that claims 33, 36, and

39 are in condition for allowance and notice of the same is respectfully requested at the earliest possible date.

Conclusion

The present application is now in condition for allowance and such action is respectfully requested. The Examiner is encouraged to contact Applicant's representative regarding any remaining issues in an effort to expedite allowance and issuance of the present application.

Respectfully submitted,

WITHROW & TERRANOVA, P.L.L.C.

By: 

Benjamin S. Withrow
Registration No. 40,876
P.O. Box 1287
Cary, NC 27512
Telephone: (919) 654-4520

Date: July 24, 2006

Attorney Docket: 3914-02A

CERTIFICATE OF TRANSMISSION	
I HEREBY CERTIFY THAT THIS DOCUMENT IS BEING TRANSMITTED VIA FACSIMILE ON THE DATE INDICATED BELOW TO:	
Examiner: <u>Nguyen, Luon Trung</u> Art Unit: <u>2622</u> Fax: <u>571-273-8300</u>	
<u>Kelly Farrow</u>	Name of Sender
<u>[Signature]</u>	Signature
<u>7/24/06</u>	Date of Transmission